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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,368	12/01/2003	Kouki Ozaki	OZAKI10	8089
1444	7590	03/03/2006	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C.			GEHMAN, BRYON P	
624 NINTH STREET, NW			ART UNIT	
SUITE 300			PAPER NUMBER	
WASHINGTON, DC 20001-5303			3728	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,368

Applicant(s)

OZAKI ET AL.

Examiner

Bryon P. Gehman

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/1/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3728

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 2 of the claim, "and having both widthwise ends" is indefinite, as it is not clear what antecedent provides basis for having "both widthwise ends", nor is it clear which antecedent this is meant to be directed to. In line 6, "a cover closing the opening" is inconsistent with lines 4-5, as "at least one end formed with an opening" is meant to define at least one end with a respective opening, not the possibility of more than one end forming the same opening. The phrasing should be --a respective cover closing each respective opening-- in line 6. In line 8, "the cover" should be --each respective cover-- or --one said cover--. See also line 9.

In claims 5-8, line 2 of each, there is no disclosure or insufficient provide such that the valve is "supplying dry gas", as there is no source of dry gas that is part of the claimed container.

In claims 9-12, lines 1-2, "the dry gas" lacks any basis or description from parent claims 1-4, respectively.

In claims 13-16, it is not clear from parent claims 5-8, respectively, that dry gas is a component of the container or merely a potential component.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-7, 9-11 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinter et al. (5,542,534). Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Clayton et al. (5,364,045). Claims 1-2 rejected under 35 U.S.C. 102(b) as being anticipated by Terwilliger et al. (5,027,949). Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hultgren et al. (3,208,585). Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sandstrom (3,136,415). Each discloses a container for containing a long article (1; 140; magnetic tape; film or magnetic tape; various items, see column 1, lines 10-13; respectively) wound on a bobbin (2; 130; magnetic tape reel; described reel; 3) into a roll having ends, the bobbin having a through hole (inside 2; receiving 110; for engaging hub 36; for engaging 17 and 22; inside 9), the container comprising a container body (entire structure of Figure 1; 100; 10; 10; 1 or 2) having at least one end formed with an opening (closed by either element 5; closed by 152; closed by 16; closed by 12; closed by other of 1 and 2), a respective cover (one 5; 152; 16; 12; other of 1 and 2) closing each respective opening, a sealing member (4a, 14a, 14b or 15; sealing is averred to, see column 2, line 55 through column 3, line 36; 30; 20; 1c, 2c, see column 2, line 66 through column 3, line 2) sealing a gap between the container body and a respective cover, a stem (6 or 11; 110; 36; at least one of 17 and 22; fixed to one of the container body and a respective cover mounting the bobbin thereon, a bobbin fixing unit (at least

one of element 6 and elements 11-13; interacting portions between 110 and 150; outer surface of 36; 34-50; and a holding unit (at least one of element 6 and elements 5 (the other than the cover 5) and 11-13; interacting portions between 110 and 150; conventional magnetic tape reel structure that prevents the tape from falling off the reel; 68 and 68; conventional reel structure that prevents the tape or film from falling off the reel) for holding the article wound on the bobbin.

As to claim 2, a male thread (receiving 13; 124; 34) is formed on the stem and a fastening member (13; 126; 46) are disclosed by Dinter et al. Terwilliger et al. and Hultgren et al..

As to claim 3, Dinter et al. and Hultgren et al. disclose a presser plate (the other 5; 68 and 68) having a through hole (8; as shown).

As to claims 5-7, 9-11 and 13-15, Dinter et al. disclose a valve (16) intended for, among other capabilities, supplying a dry inert gas into the container to increase the internal pressure (see column 5, lines 21-38).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 8, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinter et al. in view of METAL PLATE. Dinter et al. disclose providing

the container from other than plastic (see column 3, lines 48-61). Ram et al. disclose providing a film canister from stainless steel. To modify the container of Dinter et al. employing impermeable stainless steel as taught by Ram et al. would have been obvious as an alternative material recognized in the field and an obvious alternative material to one of ordinary skill in the art in view of the alternative material suggestion of Dinter et al.. To provide the fastening member from a resin would have been an obvious alternative given the teachings of Dinter et al., which teaches employing resin to comprise at least most of the container.

As to claims 8, 12 and 16, Dinter et al. disclose a valve (16) intended for, among other capabilities, supplying a dry inert gas into the container to increase the internal pressure (see column 5, lines 21-38).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are analogous containers for a roll. Hartsell et al. disclose a valve.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman", with a stylized, flowing script.

Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG